



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aboul-Hosn, Walid

Attorney Docket No.: 9261.16761-DIV

Serial No.: 09/669,104

Examiner: Unknown

Filed: 25 September 2000

Group Art Unit: 3738

For: Single Port Cardiac Support Apparatus

Commissioner of Patents
Washington, D.C. 20231PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

NOTE: A terminal disclaimer should not accompany a petition based on unintentional abandonment. Notice of July 9, 1985 (1056 O.G. 60-61).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 CFR 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 CFR 1.137(b).

1. This application became abandoned on 1/30/2001

NOTE: Extensions under 37 CFR 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of S 1.136 can no longer be used then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival.

2. This petition is filed:
☐ within one year of the date of abandonment.

NOTE: Under very limited conditions a petition to revive for unintentional abandonment may exceed the one year limit when abandonment is due to action or inaction by the applicant and the PTO performs a positive documented official act which could lead a reasonable individual to conclude that the action or inaction was appropriate. Notice of August 26, 1985 (1059 O.G. 4).

- ☒ within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a). A copy of the Decision on Petition is attached.

(check next box, if applicable)

- ☐ the three month period has been extended up to _____.

NOTE: The non-statutory three month period may be extended up to four months if a petition for an extension of time and the fee set in 37 CFR 1.17(a) to (d) are filed with or prior to this petition.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Box DAC, Office of Petitions, Assistant Commissioner for Patents, Crystal Plaza 4 CP-3C23, South Clark Place, Arlington, Virginia 22202

Judith Dunaway

(TYPE OR PRINT NAME OF PERSON MAILING PAPER)

(Signature)

04/23/2003 SLUANG1 00000013 062360 09669104

03 FC:2453 10.00 CH 640.00 OP

Date 18 April 2003

04/23/2003 SLUANG1 00000013 062360 09669104

01 FC:2001
02 FC:2051375.00 OP
65.00 OP

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APR 25 2003

OFFICE OF PETITIONS

3. This application became abandoned unintentionally. The entire delay, from the due date for the reply, until the filing of a grantable petition was unintentional (37 CFR 1.137(b)).

4. Proposed response
☐ has been filed.
☒ is attached.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.137. To facilitate processing in such a case the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12).

- ☐ the response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee 37 CFR 1.17(m))

Application status is:

- ☒ small business entity-fee \$640.00
☐ other than small entity-fee \$1,280.00

6. Payment of fee:

- ☒ Enclosed please find check for ☒ \$ 640.00
☒ Charge Account 06-2360 for any additional fee required.
☐ Charge Account _____ the sum of [] \$ 620.00 / [] \$ 1,240.00.
A duplicate of this petition is attached.

7. Verification:

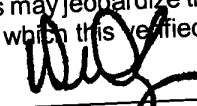
NOTE: The statement that the abandonment was unintentional must be a verified statement if made by a person not registered to practice before the PTO. 37 CFR 1.137. Check the next box if this is the case.

- ☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 18 April 2003

Reg. No.: 29,243

Tel. No.: (262) 783 - 1300


SIGNATURE OF ATTORNEY

Daniel D. Ryan

(TYPE OR PRINT NAME OF ATTORNEY)
RYAN KROMHOLZ & MANION, S.C.

P.O. Box 26618
Milwaukee, Wisconsin 53226

(P.O. Address)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Aboul-Hosn, Walid

Group: Unknown

Serial No.: 09/669,104

Examiner: Unknown

Filed: 25 September 2000

For: Single Port Cardiac Support Apparatus

Commissioner of Patents
Washington, D.C. 20231
ATTENTION: Application Division

COMPLETION OF FILING REQUIREMENTS

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed 29 November 2001 and accompanies a Petition to Revive

NOTE: If these papers are filed before the office letter issues adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

DECLARATION OR OATH

- II. ☐ No original declaration or oath was filed and enclosed is the original declaration or oath for this application.

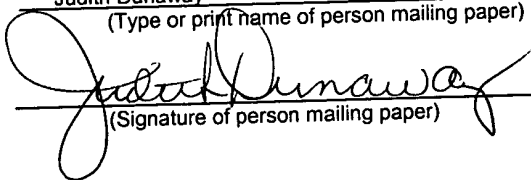
CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Box DAC, Office of Petitions, Assistant Commissioner for Patents, Crystal Plaza 4 CP-3C23, South Clark Place, Arlington, VA 22202

Judith Dunaway

(Type or print name of person mailing paper)

Date: 18 April 2003


(Signature of person mailing paper)

OR

- ☐ The original declaration or oath which was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor AND (1) SERIAL NUMBER (2) ATTORNEY DOCKET NUMBER WHICH WAS ON THE APPLICATION AS FILED AND THE FILING DATE (3) TITLE OF THE INVENTION AND FILING DATE (4) TITLE OF INVENTION AND REFERENCE TO A SPECIFICATION WHICH IS ATTACHED TO THE DECLARATION AT THE TIME OF EXECUTION AND FILED WITH THE DECLARATION OR (5) TITLE OF INVENTION AND A STATEMENT BY A REGISTERED ATTORNEY THAT THE APPLICATION FILED IN THE PTO IS THE APPLICATION WHICH THE INVENTOR EXECUTED BY SIGNING THE DECLARATION. IF IDENTIFICATION (4) IS USED IT MUST BE ACCOMPANIED BY A STATEMENT THAT THE "ATTACHED" SPECIFICATION IS A COPY OF THE SPECIFICATION AND ANY AMENDMENTS THERETO WHICH WERE FILED IN THE PTO TO OBTAIN THE FILING DATE; SUCH A STATEMENT MUST BE A VERIFIED STATEMENT IF MADE BY A PERSON NOT REGISTERED TO PRACTICE BEFORE THE PTO. NOTICE OF SEPTEMBER 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

- (c) ☐ Statement by a registered attorney that the application filed in the PTO is the application which the inventor executed by signing the declaration.
- (d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

- III. ☐ Cancel claims _ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV.

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 CFR 1.52(d).

SMALL ENTITY STATUS

V.

- ☒ The applicant is a small entity and is entitled to Small Entity Status.

VI.

COMPLETION FEES

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 CFR 1.53(d).

NOTE: The filing fees, fees for claims and surcharge fees listed below in items 1, 2 and 3 are reduced by 50% where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid but a verified statement is filed within 2 months of the date of timely payment of a fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

1. Filing fee

☒ original patent application (37 CFR 1.16(a))
\$750.00; Small entity-\$375.00 \$ 375.00

☐ design application (37 CFR 1.16(f))
\$330.00; small entity-\$165.00 \$ _____

2. fees for claims

☐ each independent claim in excess of 3
(37 CFR 1.16(b))-\$84.00; small entity-\$42.00 \$ _____

☐ each claim in excess of 20
(37 CFR 1.16(c))-\$18.00; small entity-\$9.00 \$ _____

☐ multiple dependent claim(s)
(37 CFR 1.16(d))-\$280.00; small entity-\$140.00 \$ _____

3. surcharge fees

☒ late payment of filing fee

and/or

☐ late filing of original declaration or oath
(37 CFR 1.16(e))-\$130.00; small entity-\$65.00; \$ 65.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers only one surcharge fee for both need be paid. 37 CFR 1.16(e).

4. ☐ petition and fee for filing by other than all the inventors
or a person not the inventor
(37 CFR 1.17(h) and 1.47-\$130.00) \$ _____

5. ☐ fee for processing an application filed with a specification
in a non-English language
(37 CFR 1.17(k) and 1.52(d))-\$130.00 \$ _____

6. ☐ fee for processing and retention of application
(37 CFR 1.21(l) and 1.53(d)) - \$300.00 \$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as, the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of \$ 1.21(1) within 1 year of notification under S1.53(d) must be paid.

Total completion fees \$ 440.00

VII.

EXTENSION OF TIME

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

Extension (months)	Fee for other than Small Entity	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$ 1450.00	\$725.00
<input type="checkbox"/> five months	\$ 1970.00	\$985.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

VIII.

TOTAL FEE DUE

The total fee due is

Completion fee(s) \$ 440.00

Extension fee (if any) \$ _____

TOTAL FEE DUE \$ 440.00

IX.

PAYMENT OF FEES

☒ enclosed is a check in the amount of \$ 1080.00 (includes fee for Petition to Revive, which is attached)

☐ charge Account No. _____ in the amount of \$ _____. A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

X.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING:

ACCURATELY COUNT CLAIMS, ESPECIALLY MULTIPLE DEPENDANT CLAIMS, TO AVOID UNEXPECTED HIGH CHARGES IF EXTRA CLAIMS ARE AUTHORIZED.

☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the pendency of this application to Account No. 06-2360.

☒ 37 CFR 1.16 (a), (f) or (g) (filing fees)

☒ 37 CFR 1.16 (b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☒ 37 CFR 1.17 (application processing fees)

WARNING: WHILE 37 CFR 1.17(A), (B), (C) AND (D) DEAL WITH EXTENSIONS OF TIME UNDER S 1.136(A) THIS AUTHORIZATION SHOULD BE MADE ONLY WITH THE KNOWLEDGE THAT: "SUBMISSION OF THE APPROPRIATE EXTENSION FEE UNDER 37 CFR 1.136(A) IS TO NO AVAIL UNLESS A REQUEST OR PETITION FOR EXTENSION IS FILED." (EMPHASIS ADDED). NOTICE OF NOVEMBER 5, 1985 (1060 O.G. 27).

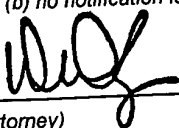
☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application ... prior to paying, or at the time of paying ... issue fee". From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

Reg. No. 29,243

Telephone No.: (262) 783 - 1300


(Signature of Attorney)

Daniel D. Ryan
(Type or Print Name of Attorney)
RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226



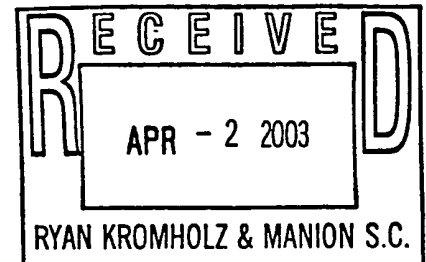
COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 2023

March 26, 2003

Daniel D. Ryan
Ryan Kromholz & Manion
P. O. Box 26618
Milwaukee, WI 53226



In re application of:
Aboul-Hosn **DECISION ON PETITION**
Serial No.: 09/669,104
Filed: September 25, 2000
For: **SINGLE PORT CARDIAC SUPPORT APPARATUS**

This is a decision on the petition received on October 22, 2002, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed November 29, 2000. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned January 30, 2001. The notice of abandonment was mailed August 21, 2002.

On October 22, 2002, the office received a communication from the attorney not of record. Enclosed was an acknowledgment that the attorney who filed the application had completed all the requirements at filing.

The evidence submitted is sufficient to establish that the petitioners requested the fees charged to Deposit Account 50-1026. The Deposit Account had insufficient funds available.

The petition is hereby **DISMISSED**.

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APR 25 2003

OFFICE OF PETITIONS

The power of attorney for the new attorney has not been received in the office. All correspondence will be designated to the address in the application at the time of filing.

Petitioner(s) may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a or (b) requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing

application in a non provisional application abandoned for failure to prosecute (2) the \$110 petition fee required by 37 CFR 1.17(l) (\$55 if petitioner has

established small entity status); (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

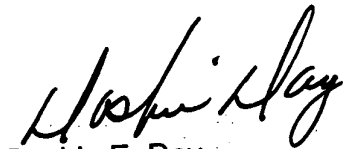
Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the \$1210 petition fee required by 37 CFR 1.17(l) (\$605 if petitioner has established small entity status; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

-3-

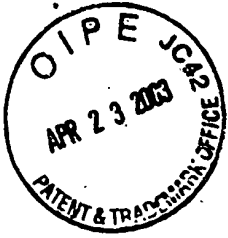
The applicant may direct further correspondence regarding this application to:

Box DAC
Office of Petitions
Assistant Commissioner for Patents
Crystal Plaza 4 CP-3C23
South Clark Place
Arlington, VA 2202



Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.
703-308-3640

A-Med Systems Inc.
2491 Boatman Avenue
West Sacramento, CA 95691



CERTIFICATE OF FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on the date indicated below in an envelope addressed to:
Commissioner of Patents and Trademarks, Washington, D.C. 20231.

By: Linda S. Wenzel

Dated: 21 January 2003

Linda S. Wenzel

COPY



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the pending United States patent applications listed on the attached Exhibit A, all powers of attorney previously given are hereby revoked and the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

NEW POWER OF ATTORNEY

The following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Daniel D. Ryan (29,243)
John M. Manion (38,957)
Laura A. Dable (46,436)

Joseph A. Kromholz (34,204)
Daniel R. Johnson (46,204)
Patricia A. Limbach (50,295)

SEND CORRESPONDENCE TO:

Daniel D. Ryan
RYAN KROMHOLZ & MANION, S.C.
P.O. Box 26618
Milwaukee, Wisconsin 53226

DIRECT TELEPHONE CALLS TO:

Daniel D. Ryan (262) 783 - 1300

STATEMENT UNDER 37 CFR 3.73(b)

In accordance with 37 CFR 3.73, I have reviewed the evidentiary documents establishing my/our ownership of the applications and issued patents identified herein, and certify that to the best of my/our knowledge and belief, title is with me/us who seek to take action.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 14 JAN 03

By: *D. G. Rohrbaugh*
Don Rohrbaugh, President
A-Med Systems, Inc.
2491 Boatman Avenue
West Sacramento, CA 95691

EXHIBIT A

Application of: Aboul-Hosn et al.
Serial No.: 10/021,549
Reel/Frame: 9069/0576
For: Pulmonary and Circulatory Blood
Flow Support Devices and Methods
for Heart Surgery Procedures

Assignee: A-Med Systems, Inc.
Filed: 12 December 2001
Recorded: 13 January 1999
Atty Docket No.: 9261.16756-CIP DIV

Application of: Aboul-Hosn et al.
Serial No.: 09/231,320
Reel/Frame: 9069/0576
For: Pulmonary and Circulatory Blood
Flow Support Devices and Methods
for Heart Surgery Procedures

Assignee: A-Med Systems, Inc.
Filed: 13 January 1999
Recorded: 13 January 1999
Atty Docket No.: 9261.16756-CIP

Application of: Aboul-Hosn et al.
Serial No.: 09/669,104
Reel/Frame: 9119/0582
For: Single Port Cardiac Support Apparatus

Assignee: A-Med Systems, Inc.
Filed: 25 September 2000
Recorded: 13 April 1998
Atty Docket No.: 9261.16761-DIV

Application of: Aboul-Hosn et al.
Serial No.: 09/481,730
For: Methods and Systems for Providing
Right and/or Left Heart Support During
Cardiac Surgery

Assignee: A-Med Systems, Inc.
Filed: 11 January 2000
Atty Docket No.: 9261.16761-CIP 3

Application of: Aboul-Hosn et al.
Serial No.: 09/470,697
For: Apparatus and Methods for Entering
Cavities of the Body

Assignee: A-Med Systems, Inc.
Filed: 23 December 1999
Atty Docket No.: 9261.16586-CIP 2

Application of: Aboul-Hosn et al.
Serial No.: 09/641,012
For: Supplemental Port for Catheter
Perfusion of Surgical Site

Assignee: A-Med Systems, Inc.
Filed: 16 August 2000
Atty Docket No.: 9261.16989-CIP

Application of: Aboul-Hosn et al.
Serial No.: 09/729,740
For: Surgical Drape and Panel Assembly

Assignee: A-Med Systems, Inc.
Filed: 04 December 2000
Atty Docket No.: 9261.17637
